



**CITY OF COLUMBUS  
BOARD OF ZONING APPEALS  
(September 23, 2014 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** C/DS-14-25 (Gateway Apartments)  
**Staff:** Allie Keen  
  
**Applicant:** Gateway Apartments, L.P.  
**Property Size:** 4.51 Acres  
**Current Zoning:** RMc (Residential: Multi-Family with commitments)  
**Location:** Northwest corner of the intersection of 10<sup>th</sup> Street and Cottage Avenue, in the City of Columbus

**Background Summary:**

The applicant has indicated that the proposed variance from Zoning Ordinance Section 7.3(C)(3)(c)(iii) is for the purpose of allowing an entrance to a multi-family residential development to be separated by 24.3 feet, 76.7 feet less than the minimum 100 feet required, from an existing alley along a Local street. The variance would apply to the proposed south drive entrance to the property from Cottage Avenue.

**Preliminary Staff Recommendation:**

Approval, all criteria have been met.

**Zoning Ordinance Considerations:**

**District Intent:** The intent of the RM (Residential: Multi-Family) zoning district is as follows: To provide areas for a variety of multi-family uses, such as two-family dwellings, apartment homes and complexes, and condominiums in areas with compatible infrastructure and services. Development in this zoning district should be served by sewer and water utilities. This district should be used in limited locations with highly developed infrastructure, immediate access to Arterial or Collector roads, and direct connections to public open space and convenience goods. This district may be used to provide a transition from regional commercial areas to moderate density single-family residences.

**Development Standards:** Section 7.3(C)(3)(c)(iii) Access to Multi-Family and Non-Residential Uses: No two entrances from a public street to a property, shall be permitted within 100 feet of each other along a Local street.

| Current Property Information: |                                                                                                                              |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Land Use:                     | Vacant/Undeveloped                                                                                                           |
| Site Features:                | There are no significant site features on this subject property.                                                             |
| Flood Hazards:                | The southeast corner of the subject property is located within the Inundation Area of the Haw Creek Supplemental Floodplain. |

|                        |                                                                                                                                                                                                   |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Vehicle Access:</b> | This property gains access from 10 <sup>th</sup> Street (Minor Arterial, Residential, Urban), Cottage Avenue (Local, Residential, Urban) and 12 <sup>th</sup> Street (Local, Residential, Urban). |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| <b>Surrounding Zoning and Land Use:</b> |                                                                 |                                                                                                  |
|-----------------------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
|                                         | <b>Zoning:</b>                                                  | <b>Land Use:</b>                                                                                 |
| <b>North:</b>                           | PUD (Planned Unit Development)                                  | Bartholomew Consolidated School Corporation<br>Administrative Offices<br>United Way Building     |
| <b>South:</b>                           | CN (Commercial: Neighborhood)<br>RE (Residential: Established)  | Vacant Retail Building<br>Single & Multi-Family Residential                                      |
| <b>East:</b>                            | RE (Residential: Established)<br>PUD (Planned Unit Development) | Single & Multi-Family Residential<br>Bartholomew Consolidated School Corporation<br>Parking Area |
| <b>West:</b>                            | RM (Residential: Multi-Family)                                  | Vacant/Undeveloped                                                                               |

| <b>Interdepartmental Review:</b> |                                                                                                                                                               |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>City Engineering:</b>         | If they are not going to meet the 100 foot requirement, we would rather have the drive located directly across from the alley.                                |
| <b>City Fire Department:</b>     | The Columbus Fire Department does not have any issues with this request. As a matter of fact we would like this approved to facilitate fire equipment access. |
| <b>Code Enforcements:</b>        | No comments were provided.                                                                                                                                    |

### **History of this Location:**

The relevant history of this property includes the following:

- On April 1, 2008, the Columbus City Council adopted an ordinance to rezone (RZ-07-11) the subject property from I3 (Heavy Industrial) to R-7 (Multi-Family Residential). The approval included the following two commitments:
  - A Type A buffer, as defined by the Zoning Ordinance, shall be installed and maintained on the west property line of any development of the 4.51 acre portion of the former foundry site as long as non-residential zoning is present to the west.
  - A transitional setback of 75 feet shall be provided on the west side of the 4.51 acre portion of the former foundry site, as long as non-residential zoning is present to the west.
- On April 3, 2008, the current Zoning Ordinance went into effect for the City of Columbus and the new zoning classification for the subject site is RM (Residential: Multi-Family).
- On June 17, 2014, the Columbus City Council approved to amend the previous commitments to exclude the commitment regarding the transitional setback (RZ-14-05).

### **Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicants are proposing to construct a 60-unit apartment complex on the subject property, which was the former site of the Golden Casting Foundry. The site plans include providing 3 new entrances to the property, one access onto 12<sup>th</sup> Street (Local, Residential, Urban) and two access points onto Cottage Avenue (Local, Residential, Urban). The northern access point on Cottage Avenue will be aligned with 11<sup>th</sup> Street, which meets separation requirements of the Zoning Ordinance. The southern access point on Cottage Avenue does meet the required separation distance from 10<sup>th</sup> Street, but it is off-set from an existing alley across the street, which does not meet the separation requirements.
2. Zoning Ordinance Section 7.3(C)(3)(c)(iii) states that no two entrances from a public street shall be permitted within 100 feet along a Local street. The proposed driveway will only be separated from the alley approximately 24.3 feet, measured at the centerline of the entrance. The applicant indicated that the second entrance on Cottage Avenue was requested by the Columbus Fire Department to facilitate fire equipment access to the buildings located on the southern portion of the site and will provide safer traffic flow within the apartment complex for the residents. Additionally, the applicant stated that the site layout is unable to be changed in order to align the driveway entrance with the existing alley and still meet the Fire Department requirements and still be able to align the northern access point with 11<sup>th</sup> Street which carries more traffic than the alley. There is also a water vault located on the south side of the proposed entrance that dictates the driveway position on-site.
3. The alley is approximately 280 feet in length, 10 feet wide, and has a gravel surface. The alley runs east/west and is primarily utilized by the residential properties located on Cottage Avenue and Central Avenue between 10<sup>th</sup> Street and 11<sup>th</sup> Street.
4. Cottage Avenue is classified by the Thoroughfare Plan as a Local, Residential, Suburban street. Local streets typically have less traffic that travels at lower speeds.
5. The immediate area is primarily a mix of single-family and multi-family residential uses to the south and east. The property to the west is currently undeveloped, and located to the north are the United Way Building and the Bartholomew Consolidated School Corporation administrative offices. These surrounding uses typically would not create an excessive amount of traffic on Cottage Avenue or from the gravel alley that creates the driveway separation issue.

### **Provisional Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

*Provisional Findings:* The second entrance to Cottage Avenue is for the purpose of facilitating fire equipment access and to improve onsite circulation for the residents. Although, the driveway will not be aligned with the alley, the alley is not a heavily traveled drive and is primarily used by the residential properties. *This criterion has been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

*Provisional Findings:* The immediate area is primarily a mix of single-family and apartment homes which are uses that generally do not generate excessive traffic. Additionally, the property is located in an urban setting where it is typical to have several curb cuts. The gravel alley is not heavily used and the presence of the proposed drive will not create a negative impact on the surrounding area. *This criterion has been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be**

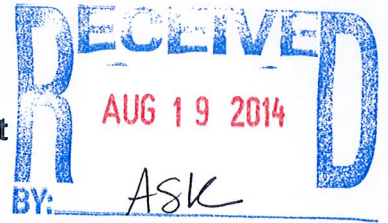
**based on a perceived reduction of, or restriction on, economic gain.**

*Provisional Findings:* The Columbus Fire Department requested a second entrance to the property from Cottage Avenue near the southern portion of their site. The southern drive is positioned on-site to meet separation distance from 10<sup>th</sup> Street, avoid the presence of the water vault for the property, and to allow the northern entrance on Cottage Avenue to be aligned with 11<sup>th</sup> Street, which carries more traffic than the alley in question. *This criterion has been met.*

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Columbus – Bartholomew County Planning Department  
Development Standards Variance Application



Planning Department Use Only:

Jurisdiction: ☒ Columbus ☐ Bartholomew County

Zoning: RM

Docket No.: CDS-14-25

Hearing Procedure: ☐ Hearing Officer ☒ Board of Zoning Appeals

Development Standards Variance Application:

Applicant Information (the person or entity that will own and/or execute what is proposed):

Name: Gateway Apartments L.P.

Address: 1531 13th Street Columbus IN 47201  
(number) (street) (city) (state) (zip)

Phone No.: 812-372-6918 Fax No.: 812-372-7846 E-mail Address: MLinder@aub@true-alliance.org

Property Owner Information (the "owner" does not include tenants or contract buyers):

Name: KLM National LLC 40 State Commercial Brokers

Address: 2321 N. Mass Road Columbus TN 47202  
(number) (street) (city) (state) (zip)

Phone No.: 812-372-9873 Fax No.: 812-372-9403 E-mail Address: klm@live.com

Notification Information (list the person to whom all correspondence regarding this application should be directed):

Name: Tim Morgan

Address: 7160 Chagrin Road, Suite 250 Chagrin Falls, Ohio 44023  
(number) (street) (city) (state) (zip)

Phone No.: 440-247-3900 Fax No.: 440-247-3950 E-mail Address: tmorgan@towersbarclays.com

How would you prefer to receive information (please check one): ☒ E-mail ☐ Phone ☐ Fax ☐ Mail

Property Information:

Address: 1616 10th Street Columbus Indiana 47201  
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):



### Variance Requested:

I am requesting a variance from Section 7.3(Part 1)(C)(3) of the Zoning Ordinance to allow the following:

To allow an entrance accessing a public street to be separated less than 100 feet (measured at the center of the entrance) from a drive or alley.

### Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that each must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

The approval of the requested variance will not be injurious to the public health, safety, morals and general welfare of the community. The request to allow a southern access drive servicing the Gateway Apartments will in no way harm public health, safety, morals or general welfare of the community.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The requested variance would allow a southern access drive servicing the Gateway Apartments site from a tertiary street (Cottage Ave.) and will not adversely affect the use and value of land adjacent to the Gateway Apartments site.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.

The strict application of Section 7.3(Part 1)(C)(3) will result in a practical difficulty in the use of the property. The opposing "drive" on the east side of Cottage Avenue is actually an "improved" alley. This alley receives no vehicular traffic and very little pedestrian traffic. In fact, it is not even a roadway at all. A separation distance of less than 100 feet between the "public street" and a southern access drive to the Gateway Apartments development will result in a practical difficulty in the use of the property.

**Application Fee Refund Information:**

The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom the refund should be provided:

Name: Tim Morgan 110 Jonesboro Investments Corp.  
Address: 7160 Chagrin Road, Suite 250 Chagrin Falls OH 44023  
(number) (street) (city) (state) (zip)

**Applicant's Signature:**

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

Timothy M. Morgan 8/18/14  
(Applicant's Signature) (Date)

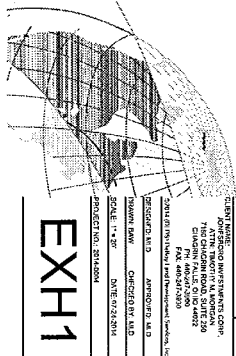
**Property Owner's Signature (the "owner" does not include tenants or contract buyers):**

I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

Larry W. Abigail 8/18/14  
(Owner's Signature) (Date)

\_\_\_\_\_  
(Owner's Signature) (Date)





**DLDS**  
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